

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

24207-10079

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/814,908

Filed

March 31, 2004

First Named Inventor

Stephen R. Lawrence

Art Unit

2169

Examiner

Sana A. Al Hashemi

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Brian Hoffman/

Signature

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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May 14, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

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## **ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Pre-appeal review is requested because the rejections of record are clearly improper and without any factual or legal basis. Applicants respectfully request that the Panel indicate claims 40-83 recite allowable subject matter.

### **I. Status of the Claims**

Claims 40-83 are pending and stand rejected.

### **II. The Independent Claims are Not Anticipated by Subramaniam**

Independent claims 40, 57 and 69 stand rejected under 35 USC § 102(e) as allegedly being unpatentable over U.S. Patent Publication No. 2007/0208697 to Subramaniam. Independent claim 40 recites a method for generating multiple implicit search queries comprising:

- identifying a plurality of events responsive to monitoring real-time user interactions with a client device;
- identifying a plurality of user-context attributes based at least in part on the plurality of events, wherein the plurality of user-context attributes indicate aspects of the real-time user interactions with the client device;
- generating a plurality of implicit search queries** comprising terms, wherein the terms are based at least in part on the plurality of user-context attributes;
- receiving a plurality of search results generated responsive to the plurality of implicit search queries; and
- updating a display of search results responsive to receiving the plurality of search results.

Events, such as a user working on a document, are identified responsive to monitoring real-time user interactions with a client device. *See* Specification, paragraphs [0041], [0042]. A plurality of user-context attributes indicating aspects of the real-time user interactions with the client device, such as the last 'n' words received from the user, are identified based at least in part on the plurality of events. *See* Specification, paragraph [0034]. A plurality of implicit search queries comprising terms are generated, wherein the terms are based at least in part on the plurality of user-context attributes. *See* Specification, paragraph [0046].

An “implicit search query” is described by the Specification at paragraph [0018] as being based on “a current user context or state.” The same paragraph contrasts implicit queries with explicit queries, the latter of which are input by a user into a search engine interface. Said another way, explicit queries are explicitly provided by the user by, for example, typing the query into an input field of a search engine. Implicit queries, on the other hand, are automatically generated by the system based on the current user context or state. *See* Specification, paragraphs [0018], [0033], [0036], [0045], [0046].

Subramaniam discloses only explicit search queries and fails to disclose “generating a plurality of implicit search queries” as claimed. Subramaniam is directed to enabling searching across multiple databases and files using a single search. Subramaniam contemplates only explicit searches, i.e., searches involving query keywords explicitly entered by users. *See* Subramaniam, Abstract, “receiving a search category and a search keyword from a user.” Subramaniam does not teach that the entered keywords are received implicitly but instead teaches user interface elements for receiving explicit keywords from the user. *See* Subramaniam, Figs. 4, 5 and 25. Accordingly, Subramaniam fails to disclose “generating a plurality of implicit search queries” as claimed.

The Examiner cites to Fig. 6, 620 and paragraph [0131] of the reference in rejecting the “generating” step. The portion of the Subramaniam’s specification corresponding to item 620 of Fig. 6 is paragraph [0093]. This paragraph describes creating search category objects and associating the created objects with a search index object. Search category objects represent search categories against which a search can be performed. Subramaniam, paragraph [0110] and Figs. 15-16. The search category objects are used in combination with the explicit search queries provided by the user. Paragraph 131 of Subramaniam describes how the explicit search results

are persistent for a user session. It does not disclose implicit searches. Thus, these portions of Subramaniam do not disclose generating implicit queries in the manner claimed.

Subramaniam describes “implicit” search filters at paragraphs [0242]-[00244]. These filters are used to automatically filter out certain search results. Subramaniam, paragraph [0242]. These search results are initially generated by explicit queries from the users. Subramaniam does not use the implicit filters to generate implicit queries as claimed.

The anticipation rejection of claim 40 contains a clear deficiency in that Subramaniam does not disclose generating implicit queries. The rejections of independent claims 57 and 69 are deficient for at least the same reason. Therefore, Applicants respectfully request that the Panel withdraw the § 102 rejection based on Subramaniam.

### **III. Claim 81 is Not Anticipated by Subramaniam**

Dependent claim 81 stands rejected under 35 USC § 102(e) as allegedly being anticipated by Subramaniam. Dependent claim 81 recites that:

the event comprises receiving a text buffer and the user-context attribute  
comprises one or more words in the text buffer, wherein the one or more  
words are near a position of a cursor

In other words, an event of the plurality of events is receiving a text buffer. The user-context attribute on which the terms of the implicit query are based at least in part comprises words at a position in the text buffer near a position of a cursor.

Subramaniam does not disclose this element. The Examiner cites Fig. 21 of Subramaniam to support the rejection of claim 81. The corresponding description of Fig. 21, paragraph [0118], indicates that Fig. 21 shows a summary of the relationships (e.g. 1:1

relationships, many-to-1 relationships) between exemplary search objects. Neither Figure 21 nor the corresponding description disclose that a user-context attribute comprises words in a text buffer near a position of a cursor. The rejection of claim 81 contains a clear deficiency for at least this reason.

#### **IV. Summary**

Based on the foregoing, Applicants respectfully submit that each of the pending rejections suffers from a clear deficiency in the prima facie case asserted in support of the rejection. Accordingly, Applicants request that the rejections of claims 40-83 be withdrawn.

Respectfully submitted,  
Stephen Lawrence, et al.

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